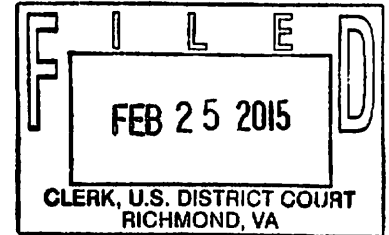


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



KENNETH WAYNE CLARK, JR.,)
)
 Petitioner,)
v.)
)
HAROLD CLARKE,)
)
 Respondent.)

Civil Action No. 3:13CV760-HEH

FINAL ORDER
(Adopting Report and Recommendation and Dismissing Action)

In accordance with the accompanying Memorandum Opinion, it is hereby

ORDERED that:


1. The Report and Recommendation is ACCEPTED and ADOPTED;
2. Respondent's Motion to Dismiss (ECF No. 9) is GRANTED;
3. Clark's § 2254 Petition is DENIED;
4. Clark's claims and the action are DISMISSED; and,
4. A certificate of appealability is DENIED.

Should Clark desire to appeal, a written notice of appeal must be filed with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a notice of appeal within that period may result in the loss of the right to appeal.

The Clerk is DIRECTED to send the Memorandum Opinion and Final Order to Clark and counsel of record.

It is so ORDERED.

Date: Feb. 25, 2015
Richmond, Virginia



/s/
Henry E. Hudson
United States District Judge